

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS
INC., *et al.*,

Defendants.

No. 05-cv-5231 (RJS)

ORDER

**ORDER DIRECTING THE TRANSFER OF FUNDS FROM THE CRIS
ACCOUNT INTO THE REGISTRY OF THE COURT**

On September 17, 2024, the Court approved the distribution of certain assets formerly held in the name of Amerindo Technology Growth Fund II, Inc. (the “former Garnishment Assets”) that had been turned over to the Court Registry Investment System (“CRIS”) account established for this case (the “Distribution Fund”) in partial payment of the penalty judgment awarded to the Securities and Exchange Commission (the “SEC”) on May 6, 2014. (Doc. No. 875 at 11.) Nevertheless, before directing the transfer of moneys from the Distribution Fund to the SEC, the Court ordered that the Distribution Agent – Miller Kaplan Arase LLP (“Miller Kaplan”) – submit (1) a motion for disbursement of funds from the Distribution Fund to pay any outstanding and estimated federal taxes, and (2) a motion for disbursement of funds from the Distribution Fund to pay any remaining administrative fees and expenses. (*Id.*)

Now before the Court is a September 30, 2024 application of the SEC for an order directing the transfer of the Distribution Fund from the interest-bearing CRIS account established for this case to the non-interest-bearing Registry of the Court. (Doc. No. 876.) The SEC represents that,

in order for the Distribution Agent to determine the Distribution Fund's final tax liability and the Distribution Agent's final fees and expenses, the Distribution Fund must be transferred from the interest-bearing CRIS account to the non-interest-bearing Registry of the Court. (Doc. No. 876-1¶ 3.)

Based on this representation, which the Court deems to constitute good cause shown, IT IS HEREBY ORDERED THAT the Clerk of the Court for the United States District Court for the Southern District of New York (the "Clerk of the Court") shall transfer the Distribution Fund from the CRIS account established in this case into the Registry of the Court.

IT IS FURTHER ORDERED THAT the Clerk of the Court shall provide Miller Kaplan with the Distribution Fund's history from inception until its transfer to the Registry of the Court.

Finally, the Court *sua sponte* extends the Distribution Agent's deadline to submit its motion for disbursement of funds from the Distribution Fund to pay any outstanding and estimated federal taxes, and to pay any remaining administrative fees and expenses, from October 4, 2024 to October 18, 2024.

The Clerk of Court is respectfully directed to terminate the application pending at document number 876.

SO ORDERED.

Dated: October 3, 2024
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation